

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MIKE HUANG,

Movant,

- against -

UNITED STATES OF AMERICA,

Respondent.  
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03 Civ. 3755 (RPP)

91 Cr. 827 (RPP)

**OPINION AND ORDER**

**ROBERT P. PATTERSON, JR., U.S.D.J.**

Movant Mike Huang moves, pursuant to Rules 60(b)(4) and 60(b)(6) of the Federal Rules of Civil Procedure, for relief from a judgment of conviction entered on November 9, 1992, after being found guilty by a jury.<sup>1</sup>

Movant asserts that the sentencing judge acted outside his lawful authority and/or jurisdiction in determining the facts upon which the judgment of conviction is based, namely, that the judge relied on the statements of alleged conduct contained in a presentence report, a copy of which is attached to the motion.

The motion has no merit and is denied. The sentencing judge was the trial judge and heard all the evidence at trial that led to the sentence imposed. On appeal, Movant's conviction and sentencing were affirmed.


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<sup>1</sup> Movant has previously petitioned for relief pursuant to 28 U.S.C. § 2255, which was denied, and has filed a motion pursuant to Rule 35 of the Federal Rules of Criminal Procedure, which was denied.

Movant's motion dated November 16, 2005 is denied.

IT IS SO ORDERED.

Dated: New York, New York  
November 29, 2005



Robert P. Patterson, Jr.  
U.S.D.J.

Copies of this Order Sent to:

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